

United States District Court

MAY - 4 2019

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Juan De Dios Martinez-Vela PRINCIPAL
YOB: 1981
United States CitizenCase Number:
M-19-1029 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 2, 2019 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Neri Manchame and Evelin Yaneli Garza-Pontaya, both citizens of Honduras, who have entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Hidalgo, Texas to another location near Peñitas, Texas, by means of a motor vehicle.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On May 2, 2019, Border Patrol Agents assisted a Texas Department of Public Safety Trooper on a traffic stop in Peñitas, Texas. Border Patrol Agents arrived and determined that Troopers had interrupted a human smuggling event in progress. The Trooper told the agent that he stopped the vehicle for failure to drive in a single lane and for following too closely to another vehicle.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No/s/ Ernie E. Bergollo
Signature of Complainant

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

Ernie E. Bergollo Senior Patrol Agent
Printed Name of ComplainantMay 4, 2019
Date

3:14 p.m.

at McAllen, Texas
City and StatePeter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial OfficerPete E. Ormsby
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-1029-M

RE: Juan De Dios Martinez-Vela

CONTINUATION:

The Border Patrol Agent (BPA) arrived at the scene and identified the driver as Juan De Dios MARTINEZ-Vela, a United States Citizen. The BPA conducted an immigration inspection on the two rear seat occupants and determined that both were illegally present in the United States. All subjects were taken to the McAllen Border Patrol Station for further questioning.

PRINCIPAL STATEMENT: (MARTINEZ)

Juan De Dios MARTINEZ-Vela, a United States Citizen, was advised of his Miranda Rights and agreed to provide a sworn statement.

MARTINEZ stated that his friend asked him to drive his vehicle to go pick up two illegal aliens. MARTINEZ stated that he knew both subjects were illegally present in the U.S. MARTINEZ stated that he transported the illegal aliens for \$140 per each alien.

MATERIAL WITNESS STATEMENT: (MANCHAME)

Neri MANCHAME, an Honduran national, was advised of his Miranda Rights and agreed to provide a sworn statement.

MANCHAME stated that he paid \$4,000 to cross into the United States, but was to pay a total of \$10,000 to get to his final destination. MANCHAME stated he spoke with the driver via cell phone while he was in Mexico. Once in the U.S., MANCHAME stated that he and GARZA boarded a gray car. The driver (MARTINEZ) then asked both MANCHAME and GARZA for money, but they did not pay.

MANCHAME was able to identify MARTINEZ as the driver of the vehicle through an official photo lineup.

MATERIAL WITNESS STATEMENT: (GARZA)

Evelin GARZA-Pontaya, an Honduran national, was advised of her Miranda Rights and agreed to provide a sworn statement.

GARZA told agents that she was charged \$5,500 to be smuggled to San Antonio, Texas. GARZA described the vehicle she got into as a white or gray car. She also stated that the driver (MARTINEZ) provided her and her uncle (MANCHAME) with food.

GARZA was able to identify MARTINEZ as the driver of the vehicle through an official photo lineup.